

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 25, 2003**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan, Deputy Clerk.

Each of the following:

B152473 People v. Lydon, et al.  
B153054 People v. Shepard  
B154961 People v. Hodges  
B155466 People v. Vega  
B156275 People v. Williams, et al.  
B156588 People v. Jones  
B156766 People v. Secrest  
B157199 People v. Ohlmaier  
B157463 People v. Wafer  
B157958 People v. Arnold B.  
B158401 Altamarino v. County of Los Angeles  
B158845 People v. Guadarrama  
B156557 DCFS v. Evelyn E., et al.  
B159160 DCFS v. Tonya H.  
B159924 DCFS v. Isabel Z.  
B163524 Maria V. v. SCLA (DCFS)

Argument waived, cause submitted.

B157196     People  
              v.  
              Kenji Jackson

Merits:

Argued by David Allen Kay for appellant and by Michael C. Keller,  
Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (Continued)

B153768     People  
              v.  
              Nikola Matesic

Merits:

Argued by David Allen Kay for appellant and by Louis W. Karlin, Deputy Attorney General for respondent. Counsel waives the presence of Spencer, P.J. Cause submitted.

Ortega, J. leaves the bench.

B154952     People  
              v.  
              Jose Vargas

Merits:

Argued by Jon R. Schlueter for appellant and by Catherine Okawa Kohm, Deputy Attorney General for respondent. Counsel waives the presence of Spencer, P.J. Cause submitted.

B158041     Los Angeles Police Protective League  
              v.  
              City of Los Angeles, et al.

Merits:

Argued by Diane Marchant for appellant and by Janis Barquist, Deputy City Attorney for respondents. Counsel waives the presence of Spencer, P.J. Cause submitted.

B148972     Beverly Hills Government Ethics Committee, et al.  
              v.  
              City of Beverly Hills, et al.

Merits:

Argued by John B. Murdock for appellants and by Mitchell E. Abbot for respondents. Counsel waives the presence of Spencer, P.J. Cause submitted.

DIVISION ONE (Continued)

B148571 Beverly Hills Government Ethics Committee, et al.

v.

City of Beverly Hills, et al.

Beverly Hills Cultural Center Foundation, rpi.

Merits:

Argued by John B. Murdock for appellants and by Mitchell E. Abbot for respondents. Counsel waives the presence of Spencer, P.J. Cause submitted.

B151730 John N. Shafer, et al.,

v.

Berger, Khan, Shafton, Moss, Figler, Simon & Gladstone, et al.

Merits:

Argued by Criag N. Rossell for appellants and by Susan H. Handelman for respondents. Counsel waives the presence of Spencer, P.J. Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

B158888 Valley Vista Services, Inc.

v.

City of Irwindale

Merits:

Argued by Michael Montgomery for appellant and by Fred Galante for respondent. Counsel waives the presence of Spencer, P.J. Cause submitted.

B151222 Catherine Thomas

v.

Robert F. Kennedy Medical Center, et al.

Merits:

Argued by Roland C. Colton for appellant, by David P. Pruett for respondent RFK Medical Center and by David J. Ozeran for respondent Darryn Brooks. Counsel waives the presence of Spencer, P.J. Cause submitted.

DIVISION ONE (Continued)

B157516      Carl Blau, et al.  
                 v.  
                 Catholic Healthcare West, et al.

Merits:  
Argued by Gary D. Stabile for appellants and by Barry S. Landsberg for respondents. Counsel waives the presence of J. Spencer. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

B149374      Simi Corporation  
                 v.  
                 John Garamendi, as Insurance Commissioner,  
                 Worker's Compensation Insurance Rating Bureau.

Merits:  
Argued by Thomas E. McDonald for real party in interest and by Barry L. Kramer for respondent. Counsel waives the presence of J. Spencer. Cause submitted.

Ortega, J. returns to the bench.

B154682      Carrol Meteer Herr  
                 v.  
                 Stephen Herr

Merits:  
Argued by Michelle Mulvey for appellant and by William S. Ryden for respondent. Cause submitted.

Court recessed.

Court reconvened at 2:00 p.m.

Present: Spencer, P.J., Ortega, J., Mallano, J. and D.Nolan, Deputy Clerk.

DIVISION ONE (Continued)

B156528      Omar Bradley, et al.  
                 v.  
                 Eric J. Perrodin, et al.

Merits:

Argued by Fredric D. Woocher for appellant Perrodin, by Milton Grimes for respondent Bradley, by Warrington S. Parker III for appellant Irving and by Gilbert Gaynor for respondent Andrews. Cause submitted.

Court adjourned.

DIVISION TWO

B155548      Gilmore, et al.  
                 v.  
                 Lincoln Memorial Park, et al.

Filed order denying petition for rehearing.

B156375      Shure  
                 v.  
                 Fox, et al.

Filed order denying petition for rehearing.

B129923      People  
                 v.  
                 Howard

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

February 25, 2003 (Continued)

DIVISION THREE

B156630      People                          (Not for Publication)  
v.  
Cruz

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B154152 People v. Hackett (Not for Publication)  
B159148 In Re Samuel Hackett on Habeas Corpus

The judgment is affirmed. The habeas corpus petition is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B157132 People (Not for Publication)  
v.  
Vasquez

The judgment is affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections, an amended abstract of judgment which reflects conviction of first degree murder in count 1.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION THREE (Continued)

B152148      Spartan Lacquer & Paint      (Not for Publication)  
v.  
California Regional Water Quality Control Board, Los Angeles Region

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B153443      Larry A. Pines                      (Not for Publication)  
v.  
Stephanie Fitzpatrick

With respect to the sixth cause of action, the judgment is vacated for lack of subject matter jurisdiction. As modified, the judgment is affirmed. Pines shall recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                 Aldrich, J.

B153232      Stefani Lynne Wilson      (Not for Publication)  
v.  
Ralphs Grocery Company

The August 30, 2001, order is reversed with directions to vacate the July 18, 2001, sanctions order. Wilson's motion for sanctions on appeal is denied. Ralphs shall recover its costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                 Aldrich, J.

### DIVISION THREE (Continued)

B145757      Eva S. Geffcken  
v.  
Alf H. Geffcken

Filed order modifying opinion. Petition for rehearing is denied. Request for publication denied. (No change in the judgment)

## DIVISION FOUR

B155118      People                                  (Not for Publication)  
v.  
George Phillips

The matter is remanded to the trial court for retrial of the 1989 Oklahoma attempted robbery prior serious felony enhancement and three strikes allegation, and for resentencing in the event the allegations are not proven. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B154768      City of West Hollywood  
v.  
1112 Investment Company, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX

B160253      Marian      (Not for Publication)  
v.  
County of Ventura, et al.

The judgment is affirmed. Costs to respondents.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.



## February 25, 2003 (Continued)

## DIVISION SIX (Continued)

B158707      Marian      (Not for Publication)  
v.  
County of Ventura, et al.

We reverse the summary judgment as to the causes of action identified as counts A, B, and H and remand for further proceedings consistent with this decision. Otherwise, we affirm the judgment. Costs on appeal are awarded to appellant.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B158889	People v. Richson
B159921	People v. Nicholson

Filed order consolidating above captioned appeals.

## DIVISION SEVEN

B136167 S.P. Group, Inc., et al. (Not for Publication)  
v.  
Monsanto Chemical Co., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Woods, J.

B155129 People (Not for Publication)  
v.  
Bumphus

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B17178      Wolf      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Walt Disney Pictures and television, r.p.i.)

The petition for writ of mandate is denied. Each party to bear its own costs.

Perluss, P.J.

I concur:      Woods, J.

I concur and dissent:      Johnson, J. (Opinion)

B154280      Coppola, et al.      (Not for Publication)

v.

Warner Bros.

The judgment of the superior court is reversed. The court is directed to enter judgment on the declaratory relief claims in favor of Coppola, and to enter judgment on the interference claims in favor of Warner. All prior costs orders are reversed, and the trial court is directed to determine whether costs are to be awarded and to whom such costs will be awarded. Appellant to recover costs on appeal.

Munoz, J. (Assigned)

We concur:      Johnson, Acting P.J.

Woods, J.

B156480      Rios      (Not for Publication)

v.

Blevins

The judgment is affirmed. Respondent(s) to recover costs.

Munoz, J. (Assigned)

We concur:      Johnson, Acting P.J.

Woods, J.

February 25, 2003 (Continued)

## DIVISION SEVEN (Continued)

B153751      People                                  (Certified for Publication)  
v.  
Karapetyan

The judgment is reversed.

Munoz, J. (Assigned)

I concur:       Johnson, Acting P.J.

I dissent: Woods, J. (Opinion)

[illegible]

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.  
Johnson, J.

B159402      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Crystal B.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Munoz, J. (Assigned)